

ENTERED

August 30, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOHN BORDAS,

Plaintiff,

VS.

MARQUETTE TRANSPORTATION
COMPANY GULF-INLAND LLC, *et al*,

Defendants.

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CIVIL ACTION NO. 2:14-CV-00163

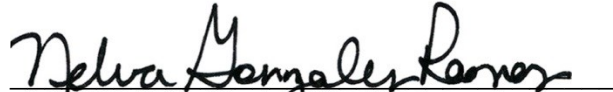
**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION ON
PLAINTIFF'S MOTION TO EXCLUDE EVIDENCE**

Pending before the Court is Plaintiff's Motion to Exclude Evidence (D.E. 90). On June 24, 2016, United States Magistrate Judge Jason B. Libby issued a Memorandum and Recommendation (D.E. 94), recommending that Plaintiff's Motion be denied but that the parties be ordered to request a ruling from the Court on the admissibility of the evidence prior to mentioning or offering the evidence of Plaintiff's prior felony conviction in the presence of the jury.

Defendant Marquette Transportation Company Gulf-Inland LLC (Marquette) timely filed its Objection (D.E. 96) on July 8, 2016. Marquette complains only of the recommendation that the Court order Marquette to seek a ruling on admissibility prior to mentioning or offering the evidence. It contends that it should be permitted to make the offer in front of the jury and Plaintiff Bordas should be required to state its objection in front of the jury. The objection is **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Marquette's objection, and all other relevant documents in the record, and having made a *de novo* disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Marquette's objection and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Plaintiff's Motion to Exclude Evidence (D.E. 90) is **DENIED** and the parties are **ORDERED** not to mention or offer evidence of Plaintiff's prior felony conviction in the presence of the jury without first requesting a ruling from the Court on the admissibility of the evidence.

ORDERED this 30th day of August, 2016.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE